

REMARKS

Claims 1-3, 6-11, 14-19 and 22-24 are pending. Claims 1, 9 and 17 are independent.

Applicant request reconsideration and reexamination in view of the following remarks.

The examiner uses Ellis and Elliott to reject claims 1-3, 6, 7, 9-11, 14, 15, 17-19, 22 and 23 as having been obvious.

Applicant believes that the examiner has mischaracterized the cited references. Claims 1, 9 and 17 recite "receiving electronic programming guide (EPG) selections entered over the Internet via a web-enabled cellular phone," or similar language. Ellis and Elliot fail to teach or suggest at this quoted claim feature.

The examiner admits that this quoted claim feature is missing in Ellis and argues that Elliott is in the same field of endeavor and Elliott discloses a cellular phone that receives/transmits data over the Internet via radio frequencies at col. 3, lines 36-46 and col. 4, lines 36-46, reproduced below for the convenience of the examiner:

A wireless operator, represented by tower 724, provides access in a similar fashion to Internet 712 by connecting a subscriber's laptop computer 722 or cell phone 720 via Telco 708. Connection 703 is replaced by radio frequency transmission 723, but the circuit from wireless operator 724 to Internet 712 remains the same. The communication is sent via circuit 726 to Telco 728 and connected to ISP 708. ISP 708 makes connection to Internet 712 as described above. Unless wireless operator 724 is the same as Telco 728, access and use charges are assessed to wireless operator 724 and usually passed to the subscriber. [Elliott, col. 3, lines 36-46]

It is therefore one object of the present invention to provide a method and apparatus for that would provide wireline and wireless operators an opportunity to capture and retain subscriber revenue that would otherwise go to Internet Service Providers.

It is another object of the present invention to provide a method and apparatus that allows additional opportunities for the operator to provide direct access to the Internet. [Elliott, col. 4, lines 36-46]

Applicant is confused. Col. 3, lines 36-46 of Elliott, disclose how a wireless operator provides Internet access to a wireless subscriber's laptop or cell phone. Col. 4, lines 36-46 of Elliott, disclose one object of the invention is an opportunity to capture and retain subscriber revenue that would otherwise go to an ISP, and another object of the invention is to allow additional opportunities for a wireless operator to provide direct access to the Internet. Both of these objects relate to a wireless operator's endeavor to make more money and have nothing

whatsoever to do with applicant's field of endeavor, which, in part, relates to a method of interacting with an EPG using a web-enabled cellular phone.

Elliott, in part, is directed towards expanding the capabilities of a wireless provider. More specifically, Elliott is directed at a Mobile Switching Center:

The present invention installs an IP intranet functionality in a Mobile Switching Center for supporting wireless data and multimedia services within an operator community of interest. [Elliott, Abstract]

This is very different from applicant's claimed invention.

The present invention installs an IP intranet functionality in a Mobile Switching Center for supporting wireless data and multimedia services within an operator community of interest. An IP network is introduced between a multimedia device and the Internet. The intranet provides a subnetwork and service context for wireless telco operators. Upon initiation of a service session by a multimedia terminal, the Mobile Switching Center presents the subscriber with the operator "intranet homepage" that serves as the primary navigator and launch pad for traversing the operator intranet or for launching a session on the Internet. If the initiating device is a voice only terminal, the Mobile Switching Center enables connection to another voice only terminal as usual. [Elliott, col. 4, lines 48-60]

No one skilled in this art would look to Elliott, which only applies to a wireless provider, and specifically to a mobile switching center in a wireless provider's network, for receiving electronic programming guide (EPG) selections entered over the Internet via a web-enabled cellular phone. Accordingly, claims 1, 9 and 17 are not rendered obvious by Ellis and Elliott.

The examiner uses Ellis, Elliott and Tarakado to reject claims 8, 16 and 24 as having been obvious.

Claims 1, 9 and 17 are not obvious in view of Ellis, Elliott and Tarakado. Claims 8, 16 and 24 depend upon, and add further limitations to, claims 1, 9 and 17. Accordingly, claims 8, 16 and 24 are not obvious in view of Ellis, Elliott and Tarakado.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this

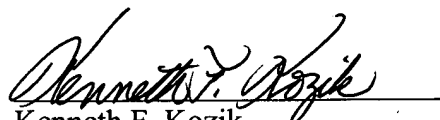
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Serial No. : 09/875,460
Filed : June 5, 2001
Page : 8

Attorney Docket No.: 094151.00136

paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Respectfully submitted,

Date: September 21, 2006


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